

Notice of Allowability

Application No.

09/788,526

Applicant(s)

WEBB ET AL.

Examiner

Art Unit

LASHANYA R. NASH

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to a request for continued examination filed 10/4/07.
2. ☒ The allowed claim(s) is/are 1-30 and 35-50.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


GLENDON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

DETAILED ACTION

This notice of allowance is responsive to the request for continued examination filed 2007. Claims 1-30 and 35-50 are presented for further consideration.

Response to Arguments

Examiner notes Applicant's amendments which incorporate limitations regarding reserving a headroom (i.e. extra capacity) in forums, exclusively available to users having an interactive relationship with a user already in the forum. In light of Applicant's amendments, as suggested by Examiner, arguments regarding claims 1-30 and 35-50 rejected under 35 USC §103 have been fully considered and are persuasive. The rejections of the claims have been withdrawn.

Allowable Subject Matter

Claims 1-30 and 35-50 are allowed. Pursuant to 37 CFR 1.109 and MPEP 1302.14, the following is an Examiner's Statement of Reasons Allowance.

Reasons for Allowance

Claims 1, 16, 39, 40, 43 and 46 are directed towards a patentably distinguishable method, system and computer-readable storage medium for populating online forums, and when an instance of the forum is considered full, determining whether a extra capacity, or headroom, is available in order to place users with special designations or interactive relationships. Applicable prior art discloses creating clones of online forums,

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placing users in forums based on interactive relationships, and limiting the number of users of online forums to a maximum limit, as set forth below in detail throughout the previous office actions. However, Examiner asserts that the prior art of record fails to teach or suggest the Applicant's feature which provides a headroom above the determined maximum of the online forum allowing an entering user related to a current user entrance into the forum. Therefore, the Examiner asserts that this feature is patentably distinct and non-obvious over the prior art.

Claims 35, 36, 47, 48 ,49 and 50 are directed towards a patentably distinguishable method, system and computer-readable storage medium for populating graphical 3D virtual worlds with users represented as moving avatars and when an instance of the forum is considered full, determining whether a extra capacity, or headroom, is available in order to place users with special designations or interactive relationships. Applicable prior art disclosed creating clones of online forums, placing users in forums based on interactive relationships, limiting the number of users of online forums based on interactive relationships, limiting the number of users of online forums to a maximum limit, and 3D virtual worlds with users represented as moving avatars, as set forth in detail throughout the previous Office actions. However, Examiner asserts that the prior art of record fails to teach or suggest Applicant's feature which provides a headroom above the determined maximum of the online forum allowing an entering user related to a current user entrance into the forum. Therefore, Examiner asserts that this feature is patentably distinct and non-obvious over the prior art.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShanya R. Nash whose telephone number is (571) 272-3957. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LaShanya R Nash/
Examiner, Art Unit 2153
December 21, 2007


GLENTON B. BURGESS
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